



Docket No. 111325-063 (200100)
Serial No. 09/867,746

REMARKS

The following remarks are submitted to be fully responsive to the Official Action of **November 17, 2005**. Reconsideration and allowance of this application are respectfully requested.

First, Applicants' wish to thank Examiner Sherr for conducting a telephone interview with Applicants' undersigned attorney on January 30, 2006. During the interview, the Examiner was requested to indicate how the claims in USP 5,638,443 render obvious the claims pending in the present case, as this seems to have been overlooked in the present Office Action. In addition, it was agreed that Applicants will consider filing a Terminal Disclaimer over USP 5,638,443, once the double patenting rejection is the only issue keeping this case from being allowed. Accordingly, we look forward to clarification regarding the double patenting rejection, and an indication that this is the only issue keeping this case from being allowed.

The references that have been cited, but not applied by the Examiner, have been taken into consideration during formulation of this response. However, since such references were not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,
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